

520 CMR 13.01

CODE OF MASSACHUSETTS REGULATIONS

*** THIS DOCUMENT REFLECTS ALL REGULATIONS IN EFFECT AS OF OCT. 7, 2005 ***

TITLE 520: DEPARTMENT OF PUBLIC SAFETY
CHAPTER 13.00: THE OPERATION OF HORSE DRAWN CARRIAGES FOR PUBLIC HIRE ON
PUBLIC ROADS AND WAYS OF THE COMMONWEALTH TO INSURE PUBLIC SAFETY.

520 CMR 13.01 (2005)

13.01: Scope and Purpose

As provided by M.G.L. c. 22, § 20, 520 CMR 13.00 regulates the operation of Horse Drawn Carriages for Public Hire on Public Roads and Ways of the Commonwealth to insure Public Safety.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.02

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520 CMR 13.02 (2005)

13.02: Definitions

As used in 520 CMR 13.00, the following terms shall have the following meanings:

Carriage: Any wheeled device, in, upon, or by which any living person may be transported; designed to be drawn by one horse, hold passengers, and driven for hire.

Commissioner: The Commissioner of the Department of Public Safety.

Department: Department of Public Safety.

Division: The Division of Inspection of the Department of Public Safety.

Horse: An animal of genus equus.

Inspector: A District Engineering Inspector of the Division of Inspection, of the Department of Public Safety or any other person designated by the Commissioner.

Work: Anytime a horse drawn carriage is being presented to the public as being available for hire.

Veterinarian: a person licensed to practice veterinary medicine.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.03

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520 CMR 13.03 (2005)

13.03: License and Certificate Required

(1) It shall be unlawful to operate or permit another to operate a horse drawn carriage for public hire on public roads and ways unless the owner of the Carriage Horse Business shall have obtained a license therefor from the commissioner and such license is currently valid and the driver hold a valid certificate of competency to operate a horse drawn carriage granted by an inspector of the department.

(2) The application for a horse drawn carriage license shall be in writing, signed, sworn to by the applicant, or if the applicant is a corporation, by its duly authorized agent, upon forms provided by the commissioner. The application shall contain the applicant's: full name, home residence and telephone number; their business name, address and telephone number; the name of each city or town in which they shall operate if different from the business address; the manufacturer's name, model color, passenger capacity, age of carriage, full color photos of all carriages; and, the number of carriages and horses at each location.

(3) A list of drivers and proof of their meeting all relevant provisions applicable to them as set forth herein 520 CMR 13.00 shall be submitted with the application.

(4) Proof of insurance must be submitted with the application valid for the duration of the licensing period. Coverage shall be as follows:

- (a) Not less than \$ 100,000 in the limited liability per occurrence;
- (b) Not less than \$ 300,000 in public liability per occurrence;
- (c) Not less than \$ 50,000 for property damage per occurrence;

(5) Upon receipt of an application for a horse drawn carriage license, the Commissioner shall cause an investigation to be made of any criminal record of the applicant by the police department of the city(s)/town(s) in which the application shall operate, resides or has their business address. The Commissioner shall investigate the applicants ability to render safe transportation service; to maintain and replace equipment; to care and maintain horses; and, to pay all judgments and awards which may be rendered for any cause arising due to operation of a carriage during the licensing period. If the Commissioner's investigation shall find that the application is properly executed, that the carriages are in safe condition, and that the horses have been examined, the commissioner shall issue the applicant a license for each horse and carriage unit. A horse drawn carriage may not be applied for, nor transferred to, any person other than the owner of the carriage and horse. In the event ownership is changing hands and upon the prior approval of the Commissioner, the new owner shall make application to the Department of Public Safety and shall meet all applicable provisions of and 520 CMR 13.00 before being granted a license.

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(6) The annual yearly fee for a horse drawn carriage licensee shall be a \$ 25 non-refundable application fee; a \$ 100 license fee for one horse and carriage (which includes the \$ 50 carriage inspection fee); and a \$ 50 inspection fee for each additional carriage. Additional horses shall be licensed at \$ 50 each.

(7) Applications for renewing existing licenses shall be made to the Commissioner by April 1st of each calendar year. During the first year of 520 CMR 13.00, (January 1, 1994) initial licensing application shall be made by May 15, 1994. This initial license shall be valid to April 1, 1995. Thereafter, licenses shall be renewed on a yearly basis by April of each calendar year.

(8) Only those horses and carriages which appear on the application form, and for which the fees have been paid may be used for hire.

(9) The Commissioner may refuse to grant or renew a license if that license was suspended or revoked during the previous licensing period or if the applicant fails to qualify under any provisions of 520 CMR 13.00. In the event that the license shall not be granted or renewed, the Commissioner shall notify applicant by certified mail within 30 days.

(10) If the applicant or renewal is denied, the applicant may within ten business days of receipt of the certified notice, make written demand upon the Commissioner for a hearing. The Commissioner shall appoint four inspectors of the division and himself to a Board of Appeal. The decision of a majority of the members of the Board of Appeal shall be final. If upon such hearing, the denial is found to be based on correct findings, the denial shall become final. After entry of final denial, the applicant shall be ineligible to make new application under the previous or new name for a period of one year.

(11) The Commissioner may determine the number of licenses granted for any particular locality based on road, route, traffic and other Public Safety concerns, subject to prior local approval.

(12) No person who has ever been convicted of cruelty to animals, shall be granted a license.

(13) The holder of a Certificate of Competency to be a carriage horse driver may be employed at any duly licensed carriage horse business.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.04

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520 CMR 13.04 (2005)

13.04: Inspections Required

(1) All carriages shall be inspected prior to the granting of a horse drawn carriage license or its renewal by an authorized inspector designated by the Commissioner.

(2) The Commissioner's Inspector may cause any horse drawn carriage to be inspected a minimum of every six months or as often as the Commissioner or duly authorized Inspector shall determine to insure safety of the public and the horse. If any horse drawn carriage becomes unsafe for operation as determined by the inspector, and defined as non-compliance with 520 CMR 13.06. The Inspector may order operations to cease and desist, immediately until they are made safe for operation or for a period of time to be determined by the Inspector or the Commissioner. The license, certificate of competency, thereof may be suspended by the Commissioner or Inspector.

(3) A person aggrieved by the action of the Commissioner or Inspector in suspending a license, or certificate of competency, may within ten days appeal therefrom to the Commissioner who shall appoint himself and four inspectors, to act as a Board of Appeal. The decision of a majority of the members of the Board of Appeal shall be final.

(4) Harnesses shall be kept oiled and cleaned so as to be supple at all times. Harnesses shall be kept free of makeshift repairs such as, but not limited to, wire, rope, and weak and rusting chains.

(5) Harnesses, bridles, breaching, bits, and padding shall be properly fitted and kept clean and in good repair.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.05

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520 CMR 13.05 (2005)

13.05: Application for license

A horse's identification number shall be painted, stamped, or any other suitable means on right front hoof, so that it can be easily identified. A health Certificate signed by the examining veterinarian shall be submitted with application and yearly renewal for license to the Commissioner.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.06

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520 CMR 13.06 (2005)

13.06: License Plate for Carriage and Horse Safety Requirements

(1) No carriages shall be permitted to operate unless a valid license plate is issued by the Commissioner and said plate is attached to the rear of the carriage and said license plate is not under suspension or revocation.

(2) Each carriage shall have a card permanently, legibly and conspicuously affixed to the forward part of the passenger compartment facing the passenger seat, which shall contain the current horse drawn carriage license number, business name, passenger capacity, schedule of rates, and in bold inch letters:

"THIS HORSE, CARRIAGE AND DRIVER ARE LICENSED BY THE COMMONWEALTH OF MASSACHUSETTS. THEY ARE INSPECTED BY THE DEPARTMENT OF PUBLIC SAFETY IN ACCORDANCE TO M.G.L. c. 22, § 20. REPORT ANY PUBLIC SAFETY CONCERNS TO THE DEPARTMENT OF PUBLIC SAFETY HOT LINE NUMBER AT 1-800-223-0933."

(3) Each carriage shall permanently display the name and phone number of the licensee on the rear of the carriage and in bold one inch letters:

"REPORT ANY PUBLIC SAFETY CONCERNS IN ACCORDANCE TO M.G.L. c. 22, § 20 TO THE STATE DEPARTMENT OF PUBLIC SAFETY HOT LINE NUMBER 1-800-223-0933."

(4) No carriage shall be licensed if it is to be drawn by more than one horse simultaneously, unless designed as a multi-hitch vehicle.

(5) Each carriage is to have wheels that spin freely.

(6) Only rubber tired carriages shall be permitted.

(7) Each carriage shall be equipped with a device to catch manure. A catcher shall not be affixed to any part of the horse's body and shall be emptied a minimum after every second use. Curb stands shall be washed free of urine as often as needed.

(8) Each carriage shall have in good working order electric turn signals, tail lights, and front lights that are visible from 500 feet. Lights shall be used during the period between hour after sunset to hour before sunrise as well as any period when visibility is poor.

(9) Each carriage shall have reflective material placed along, not less than the length of the shafts of the carriage, which normally parallel the body, head, and legs of the horse.

(10) Each carriage shall have reflectorized slow moving emblem on the rear of the carriage

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of a size no smaller than 12"x12"x12".

(11) No horse drawn carriage shall carry more than four adult passengers at one time. Only the driver and either a groom or an apprentice employed by the licensee may occupy the driver's seat.

(12) Harness shall be appropriately sized, cleaned and adjusted daily for each horse before use.

(13) No one other than the driver, or either an employed groom or apprentice under the direct personnel supervision of the driver shall sit in the driver's seat.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.09

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520 CMR 13.09 (2005)

13.09: Driver's to Report Violations, Prerequisites for Certification of Competency to be a Carriage Horse Driver, Examination Process, Daily Work Requirement, Suspension or Revocation of License, Appeal Process

License, Appeal Process

(1) The licensee shall make available to the drivers copies of 520 CMR 13.00. Drivers are mandated to report any violations of it to the Commissioner when reasonable resolution cannot be met with the licensee.

(2) Prior to employment as a driver, each driver shall complete a carriage driver training course approved by the Commissioner and paid for by the driver, and a minimum of 80 hours apprenticeship with a qualified driver who has previously met requirements under 520 CMR 13.09, has a minimum of two years driving experience, and holds a valid Certificate of Competency to be a Carriage Horse Driver.

(3) The apprenticeship shall be sworn to by the driver and apprentice and such documentation together with application for examination and \$ 50 fee, shall be submitted to the Department.

(4) Each carriage horse driver shall submit to a written or practical examination or both provided for by the Commissioner, Inspector or any other person designated by the Commissioner and if found to be competent and trustworthy by the passing of the examination of at least 70%, shall be granted a Certificate of Competency to be a Carriage Horse Driver.

(5) This certificate is to be on his person when in the performance of his duties. The holder of a Certificate of Competency must give it to an Inspector if asked to do so. Inspectors of the division shall act as examiners for the certification of Carriage Horse Drivers. Any Inspector of the division may administer the oath to the apprentice at the time of examination.

The examination may include but not be limited to:

- (a) All provisions of 520 CMR 13.00.
- (b) Massachusetts Registry of Motor Vehicles rules of the road.
- (c) The proper method for fitting the bridle, bit, harness and padding to a horse; and, hitching and unhitching a properly harnessed horse,

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- (d) The proper handling of a horse drawn carriage; and, knowledge of responding to emergency situations including but not limited to unexpected animal behavior.
 - (6) If the driver fails the exam as provided for in 520 CMR 13.09(4), they may re-test after 30 days.
 - (7) Each driver shall possess a valid Massachusetts drivers license or obtained reciprocity through the Registrar of Motor Vehicles of Massachusetts to be eligible for examination for a Certificate of Competency.
 - (8) Each driver shall not have had in five previous years to employment convictions of driving a motor vehicle under the influence of alcohol or narcotics, nor have been found guilty of vehicular homicide, nor had their license suspended or revoked for any other reason.
 - (9) Drivers shall be a minimum of 18 years age or older.
 - (10) No person who has ever been convicted of cruelty of animals shall be permitted to be employed by the carriage operation. The Commissioner may cause an investigation be made of any criminal record of the applicant for a driver's Certificate of Competency.
 - (11) The driver shall obey all local and Commonwealth of Massachusetts traffic laws and traffic regulations.
 - (12) The driver shall keep daily work records on forms obtained upon licensing by the Commissioner and the licensee shall maintain records for one year. A willfully false entry in the Record Book on Carriage Horses shall be sufficient cause for revocation or suspension of License or Certificate at any time. Such daily work records for each month shall be kept in the drivers compartment and always be accessible to the Commissioner or any Inspector of the Division. All daily work record entries shall be legible so that they may be easily read.
- It shall include the following:
- (a) safety check of harness and carriage and emergency repairs
 - (b) log of number of passenger(s) per ride, number of rides, location and time of each pick-up and discharge
 - (c) schedule of horse including the time it began and ended work and dates worked
 - (d) schedule of rest and water periods worked
 - (e) any emergencies, unusual incidents or accidents
 - (f) any and all horse injuries, behavioral problems or maladies
 - (g) schedule of private functions of the day including the name of the horse and hours worked
- (13) The driver shall wear on their person in plain view a uniform photo identification badge identifying their full name and the name of the licensee for whom they work.
 - (14) The licensee will provide gloves to the driver, should he request them.

(15) Certificate of Competency to be a Carriage Horse Driver shall be suspended or revoked for the incompetence or untrustworthiness of the holder as defined as any violation of any provision of 520 CMR 13.00.

(16) The Massachusetts Motor Vehicle Laws referred to in 520 CMR 13.11(3) dictates the manner in which you may lose your privilege to hold a Certificate of Competency to be a Carriage Horse Driver for offenses, of such a nature that continued driving constitute a serious threat to the public shall be grounds for the Inspector or the Commissioner to immediately suspend your Certificate of Competency to be a Carriage Horse Driver.

(17) A willfully false statement in the, Record Book on Carriage Horses, documentation or application shall be sufficient cause for revocation at any time.

(18) When the holder of the Certificate of Competency to be a Carriage Horse Driver, ceases to be employed by the licensee, the licensee shall notify the Commissioner in writing.

(19) If a driver holds a valid Certificate of Competency, such certificate remains valid for the driver so long as he continues to renew it, provided it has not been suspended or revoked.

(20) If any such Certificate or the renewal thereof expires in an even year, any subsequent renewal shall expire on the next anniversary of the holder's date of birth occurring in an even year. If any such Certificate or renewal thereof expires in an odd year, any subsequent renewal shall expire on the next anniversary of the holder's date of birth occurring in an odd year. A Certificate issued to a person born on February 29th shall for the purposes 520 CMR 13.00, expire on March 1st. The fee for the renewal of a Certificate shall be determined by the Commissioner.

(21) A person aggrieved by the decision of the Commissioner or Inspector in refusing, suspending, or revoking the licensee to act as a licensed Horse Drawn Carriage Company, or a Certificate of Competency to be a Carriage Horse Driver may within ten days appeal therefrom the Commissioner, who shall appoint five Inspectors of the Division, or himself and four Inspectors, to act as a Board of Appeal. The decision of a majority of the members of the Board of Appeal shall be final.

REGULATORY AUTHORITY

520 CMR 13.00; M.G.L. c. 22, § 20.

520 CMR 13.10

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520 CMR 13.10 (2005)

13.10: Requirement for Written Report of Accident Involving the Use of Horse Drawn
Carriages

A complete written report signed by the driver and licensee shall be submitted to the Commissioner and local-police departments within 72 hours of any accident injury involving property, passengers, drivers or horse. Said reports shall include the proper identification of incident; names and addresses of all parties involved and witnesses; names of any agency/person who rendered medical service to victims and/or the medical facility to where they were transferred; and, the name of the veterinarian who examined the horse within 72 hours of the accident and only in those instances in which physical contact was made with such horse and/or in which such horse exhibits any evidence of apparent injury.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.11

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520 CMR 13.11 (2005)

13.11: Violations Resulting in Suspension or Revocation of Carriage Horse License and Certificate of Competency, Drivers Subject to Massachusetts Motor Vehicle Laws and Regulations, Hindrance of Commissioner or Inspector Prohibited

- (1) Any and all violations of this act may result in the suspension of the Carriage Horse License or Certificate of Competency, until violations are corrected for a period specified by the Commissioner or Inspector. All notices of violations, suspension or revocation may be either sent to licensee or holder of Certificate of Competency by certified mail or issued in person by an Inspector or Commissioner at the time of discovered violation.
- (2) Failure to correct any notice of violation of the provision set forth herein within a period of 14 days of such notification shall be grounds for continued denial, suspension or revocation of not less than an additional 60 days.
- (3) Any and all violations of local or The Commonwealth of Massachusetts' of Motor Vehicle laws and regulations are subject to ticketing and fines as established by the Commonwealth and/or town or locality.
- (4) Any person who operates a Horse Drawn Carriage company without a license or drives a horse drawn carriage without a Certificate of Competency to be a Carriage Horse Driver, or any person who allows another person to drive a Horse Drawn Carriage without a Certificate of Competency except an apprentice driver who is fulfilling apprenticeship requirements under direct personal supervision of a certified driver shall be subjected to a fine of not less than \$ 250 and not more than \$ 3,000. Operations shall immediately cease. Said owner, licensee, driver shall be ineligible to resume carriage horse operations for six months.
- (5) Whoever violates any provision of 520 CMR 13.00 or prevents or attempts to prevent the Commissioner or any Inspector or any other person designated by the Commissioner from entering on any premises in the discharge of his duties or receiving requested information or documents with respect to this act shall be punished by a fine of not less than \$ 250 nor more than \$ 3,000, and shall have their Certificate of Competency to operate a Horse Drawn Carriage or license to be a Horse Drawn Carriage Company suspended, or revoked.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.12

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520 CMR 13.12 (2005)

**13.12: Exemption from Examination Requirements for Certificate of Competency to be a
Carriage Horse Driver**

Licensee or driver who at the date of effect of 520 CMR 13.00, has a minimum of two cumulative years of full time carriage horse driving experience without incident and have not been previously found in violation of any rules or regulations of any locality within which they operated shall be exempted from 520 CMR 13.09(2), (3) and (4). Such driver shall submit to the Commissioner sworn documentation together with application for Certificate of Competency to be a carriage horse driver and \$ 50 fee attesting to this experience. Documentation shall include letters of recommendation as to the skill and knowledge of the driver pertaining to: driving a horse and carriage; and, public safety rules of the road for the Commonwealth of Massachusetts. Such documentation shall come from the employer(s) for whom said driver worked or from professional driving club judges or officials. If self-employed, such documentation shall come from the city officials to whom the self-employed driver reported in the city(s) which hosted the carriage horse operation or professional driving club judges or officials. Such documentation shall cover the full three years experience.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.13

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520 CMR 13.13 (2005)

13.13: Severability

Any section, subsection, paragraph or provision of 520 CMR 13.00 declared illegal or unconstitutional by a court of competent jurisdiction is severable.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.

520 CMR 13.14

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520 CMR 13.14 (2005)

13.14: Precedence

Should 520 CMR 13.00 be in conflict with any other rule or regulation, 520 CMR 13.00 takes precedence.

REGULATORY AUTHORITY

520 CMR 13.00: M.G.L. c. 22, § 20.